

Docket No. 10013014-1

**Remarks**

This Amendment is responsive to the Final Office Action of February 22, 2007. Reexamination and reconsideration of claims 1-11 and 20-23 is respectfully requested.

**Summary of The Final Office Action**

Claims 1-8 and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bare (US 2003/0016624) in view of Lodwick (US 6,978,299).

Claims 9-11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Improper Final Rejection**

The Final Rejection is improper because it relies on an amendment submitted May 22, 2006. That amendment was submitted in response to a Non-Final Office Action. A Final Rejection was then issued. Applicant then appealed and filed an appeal brief. Prosecution was reopened and the present Office Action now cites new art and new grounds of rejection for the same claims. No claim amendments were made. Therefore, the Final Rejection is improper under MPEP 706.07(a) and should be withdrawn.

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**Obviousness Rejection of Claims 1-8 and 20-23 based on Bare in view of Lodwick**

The rejection is based on a proposed obviousness combination of Bare and Lodwick. Applicant respectfully submits that the combination fails to teach or suggest every claimed element and fails to teach the claimed configuration of the claimed elements. Furthermore, the proposed combination is improper since it would not be obvious to combine the references. Thus, a prima facie obviousness rejection has not been established.

In particular, Bare is directed to a switch-to-switch protocol and load balancing:

"The invention of this application is a new switch-to-switch protocol for controlling switches operable in accordance with the protocol. The protocol enables load balancing communication traffic over multiple active switches in a network."  
(Bare, page 5, [0071] lines 1-5)

Lodwick is directed to a "Print driver apparatus and methods for forwarding a print job over a network." (see Title). Lodwick states, "A print driver is provided which is capable of forwarding one or more print jobs over a network." (see Abstract, Summary of Invention)

Thus, Bare and Lodwick are very different inventions that relate to very different technical areas. One of ordinary skill in the art would have no reason or motivation from reading Bare or Lodwick to search for and/or combine the teachings of the other reference. The requisite teaching, suggestion, or motivation to combine these references does not exist and has not been proven in the Office Action. Thus, a prima facie obviousness rejection has not been established and the rejection should be withdrawn.

Regarding the motivation to combine as proposed in the Final Office Action (page 4, lines 9-13), the proposed motivation is simply constructed from the language of the present claims. Neither the language nor reasoning used comes from the teachings of the references. Therefore, a proper motivation has not been established and the rejection cannot stand.

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**References fail to teach or suggest the claims**

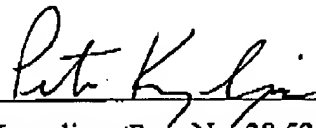
Bare is directed to a network of hosts connected through switches (see Figure 1 or 7). Applicant finds no discussion in Bare of a central controller or a configuration with a central controller as recited in the present claims. Thus, Bare fails to teach or suggest the claimed configuration of a controller, appliances, and printing devices (e.g. claim 1 or 20) and how the components are configured to function together. Bare fails to support the rejection for which it is relied upon. Lodwick's network configuration is even more different (see Figure 1) and thus fails to cure the deficiencies of Bare.

Thus even if the references are combined, they fail to teach or suggest the recited combination of features from any of the claims. The rejections should be withdrawn.

**Conclusion**

For the reasons set forth above, **claims 1-11 and 20-23** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,



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